THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25637 OF 2005

Dt.1.12.2005

Between:

M/s.Bhargavee Gas Lines, HPC Dealer,

Rep. by Proprietor, Vaddiraju Lakshmi

Narasimha Rao … Petitioner

And

The Commissioner of Civil Supplies,

Andhra Pradesh, Hyderabad and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner is a HPC dealer from 1994 having obtained licence bearing No.3/1994 for principal place at Karimnagar and also obtained Form-B licence in the year 2004 for the extension counter at Sultanabad vide licence bearing No.6/2004 from the 2nd respondent. While so, based on the report of the 3rd respondent dated 18.10.2005 show cause notice was issued to the petitioner on 3.11.2005 and both licences are suspended pending enquiry under Clause 28(1) of the Andhra Pradesh Petroleum Products (Licensing and Regulation of Supplies) Order, 1980 (hereinafter referred to as 'the Order 1980'). Pursuant to the said show cause notices, the petitioner filed a

detailed explanation on 14.11.2005, but no final orders have been passed.

The learned counsel for the petitioner submits that even according to the allegations the alleged irregularities said to have been committed at the place of extension counter at Sultanabad and no irregularity has been found at the principal place of business and therefore the suspension of Form-B licence at Karimnagar is illegal and contrary to Clause 28 of the Order 1980.

A perusal of the Order 1980 goes to show that there is no specific power authorizing the respondents to suspend both licences where no irregularity has been committed. However, having regard to the facts and circumstances of the case as no irregularity is said to have been committed at the principal place at Karimnagar, the impugned order is set aside in so far as licence No.3/1994 is concerned and the suspension of licence pending enquiry is restricted only to the extension counter at Sultanabad alone. The 2nd respondent is directed to complete the enquiry pursuant to the show cause notice dated 3.11.2005 after giving reasonable opportunity of personal hearing of the petitioner and pass final order in accordance with law within four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

1.12.2005

Note: Issue copy within two days

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